Government of Kerala
1983

Reg. No. KL/TV(N)/13



# KERALA GAZETTE

## SUPPLEMENTS

PUBLISHED BY AUTHORITY

Vol. XXVIII] Trivandrum, Tuesday, 24th May 1983 / 3rd Jyaistha 1905 (Saka) [No. 21

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Kerala Gazette No. 21 dated 24th May 1983.
PART I

GOVERNMENT OF KERALA

**Labour (A) Department**

NOTIFICATION

G.O. (Rt.) No. 378/83/LBR. *Dated, Trivandrum, 5th April 1983.*

The award of the Labour Court, Quilon in respect of the dispute between The General Manager, Mannam Sugar Mills Co-operative Limited No. 4324, Pandalam, and their workman Sri P. K. Gopalakrishna Pillai, Weighment Clerk, Mannam Sugar Mills, Pandalam received by Government on 17-2-1983 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947)

By order of the Governor,
K. SIVADASAN,
*Deputy Secretary to Government.*

**In the Labour Court, Quilon**

*Present:*

SHRI T. V. KUNHAHAMED, B.A., B.L.

*Presiding Officer*

Dated this the 8th day of February, 1983.

*In*

INDUSTRIAL DISPUTE No. 23/77

*Between*

Sri P. K. Gopalakrishna Pillai,
Weighment Clerk,
Mannam Sugar Mills,
Pandalam. .. *Workman*

*And*

The General Manager,
Mannam Sugar Mills Co-operative
Ltd. No. 4324,
Pandalam. .. *Management*

*Representations:—*

Sri C. K. Parameswara Panicker,
Advocate, Alleppey. .. For *the Management.*

Sri P. Narayanan Nair,
Advocate, Alleppey. .. For *the Workman.*

# AWARD

1. Dismissal of Shri P. K. Gopalakrishna Pillai, Weighment Clerk is the dispute referred for adjudication to this Court by the Government of Kerala as per G.O. (Rt.) No. 606/77 LBR, 19-5-1977.

2. P. K. Gopalakrishna Pillai (hereinafter referred to as the workman) entered appearance and filed a claim statement raising the following contentions:—

3. The workman was employed as a Weighment Clerk and on 1-1-1974 he was placed under suspension on charges of misappropriation. K. Madhavan Nair, who conducted the Preliminary Enquiry, reported that the workman is not guilty of the charges and accordingly recommended his reinstatement. But the Management framed charges against the workman on 7th March, 1975. The workman had submitted a reply denying the charges. An Enquiry was ordered and the Chief Engineer of the Mannam Sugar Mills was appointed as the Enquiry Officer. Subsequently on 5-4-1975, The General Manager called the workman for enquiry. On 29th of April 1975 the schedule of witnesses was furnished. The workman requested the Management to produce documents necessary for proving his innocence. A similar request was made on 24th of April, 1975 also. But the documents were not produced. On 21st of July orders dismissing him from service were issued. The charge against the workman was that he had caused loss to the management to the extent of the value of 51 lorry loads of sugar-cane by fraudulently manipulating the cane weighment records. It was alleged that on 31-12-1973 the workman had over written the weighment in the printed card and had corrected the weight of Lorry No. KLO 367 from 11 790 to 14 790 thereby showing an excess of 3 tonnes in the alleged weight of sugar-cane. It was also alleged that on 28-12-1973, the workman had defalcated the value of 8 530 tonnes of sugar-cane by manipulating records to show that sugar-cane was brought through Lorry No. KLO 2320 when as a matter of fact such a lorry never came to the Mannam Sugar Mills. It was also alleged that the workman had manipulated and corrected printed weighment cards during the period October, 1973 to December, 1973 thereby causing the management to pay excess amount of Rs. 35,9[illegible]5.12. There are one Assistant Security Officer, five Clerks and two Attenders in the Weighment Section. When a loaded Lorry arrives at the weighbridge the workman and the clerk in the shift verify the cutting order and when the Watcher gives signal the Attender weighs the load and the workman records the weight in the weighment sheet. The Security Officer checks the weight in the weighment slip and printed card and then passes the same for payment to the cash section. Sometimes due to mechanical trouble in the balance the recorded weight in the automatic printed card and the actual weight on the balance used to vary. In such cases the practice was to call the Security Officer who after satisfying himself about the difference in weight used to direct the clerks to correct the weight in the printed card and the Security Officer used to countersign the payment

sheet after writing verified and found correct. All the over writings in the cards are due to this mistake in the balance. The workman has been made responsible even for the entries on the days on which he was not on duty. It was in view of the above that the workman requested the management to produce the payment sheets from 1972-73 and printed cards from November 1972 to January 1973 and payment sheets from October 1973 to January 1974 and printed cards from October 1973 to January 1975 and both the documents for the period from October 1974 to January 1975. The Security Officer had given evidence before the Enquiry Officer that he had verified all the entries and found them correct. The workman wants himself to be reinstated with full back wages.

4. The management filed a counter statement denying the allegations made by the workman and raising the following contentions:—The Charge Memo was served on the workman and it contained the following charges. The workman along with V. M. Manoharan Pillai altered the gross weight of sugar-cane of Lorry No. KLA 367 from 11 790 to 14 790 in order to misappropriate a sum of rupees 274. The workman had misappropriated the value of 51 Lorry loads of sugar-cane by making bogus weight cards and other records. The workman submitted an explanation which was found to be unsatisfactory. An enquiry was conducted and the Enquiry Officer found the workman guilty of the charges. In view of the findings of the Enquiry Officer the workman was dismissed with effect from 1st January 1974 the date of suspension. The real state of affairs are as detailed below:—The case of defalcation of funds by two of the employees entrusted with the work of cane weighment was detected and on detailed enquiry it was established, that the workman and V. M. Manoharan Pillai, were guilty of the charges of defalcation. They were responsible for correcting the recorded weight of sugar-cane and for making bogus entries in the cane supply register and for the bogus supply of sugar-cane based on false records prepared in the names of bogus persons. It was seen that the amount thus defalcated was rupees 85,007.87. The employees were dismissed and the matter was reported to the police. The police had registered a case as crime No. 96/76 and criminal cases Nos. 568/76 and 560/76 were filed before the Sub Divisional Magistrate, Chengannur. The management understand that the workman undertook before Government that he will not seek reinstatement and that he will make good the loss incurred by the society with interest thereon. Therefore the workman is estopped from claiming any of the reliefs now claimed by him. He is estopped from claiming the present reliefs. The management cannot repose any confidence in the workman. Therefore the workman is not entitled to any relief.

5. The question regarding the validity of the domestic enquiry was considered by my learned Predecessor as a Preliminary issue and as per his order dated 19th March, 1979, my Learned Predecessor held that the enquiry was defective and not proper and posted the case giving the management an opportunity to adduce evidence to prove all the alleged misconduct The ORDER reads as follows:—

"The above Industrial Dispute between the General Manager Mannam Sugar Mills Co-operative Ltd. No. 4324, Pandalam P.O. and the workman of the above establishment namely Sri P. K. Gopalakrishna Pillai, C/o Kalarcode P. Narayanan Nair, Advocate, Alleppey was referred to this Court for adjudication under section 10 (1) (c) of the Industrial Disputes Act of 1947 as per Order in G.O. (Rt.) No. 606/77/LBR dated 19-5-1977.

6. The issue referred for adjudication is "Dismissal of Sri P. K. Gopalakrishna Pillai, Weighment Clerk".

7. Sri P. K. Gopalakrishna Pillai has filed a claim statement saying:— He was employed as a Weighment Clerk in the Mannam Sugar Mills Ltd. owned by the Opposite Party and he was placed under suspension from 1-1-1974. The charge against him was that on 31-12-1973, while he was in the weigh bridge along with other employees, he corrected the weight of lorry load of KLO 367 from 11 790 to 14 790 in the weighment printed card and thus showed an excess weight of 3 tonnes of sugar-cane. On 28-12-1973 he defalcated the value of 8-530 tonnes of sugar-cane as came in Lorry No. 2320 when actually no such lorry cane. By Such manipulations he caused the management to pay in excess Rs. 35,985 paise 12 from October, 1973 to December, 1973 and suffer loss to that extent. Sri K. Madhavan Nair, who conducted a preliminary enquiry, reported that the workman was not guilty and so he should be employed immediately. Ignoring the report, the management issued a charge memo to Sri Gopalakrishna Pillai on 7-3-1975. The worker gave an explanation on 19-3-1975 denying the charges and explaining that the recorded weight in the automatic printed card and actual weight on the balance used to vary due to mechanical trouble in the balance and that it was therefore the practice to call the security officer who after being satisfied that the two weights are different directs the clerks to correct the weight in the printed cards and then the security officer to countersign the payment sheet as "verified and found correct". Over and above the security Officer there are 5 clerks and 2 attenders in the weighment section and the method of Weighment is that when a lorry load arrives at weigh bridge Sri Gopalakrishna Pillai along with the clerk in the shift to verify the cutting order and when the watcher gives a signal the attender to weigh the load and then Sri Gopalakrishna Pillai to record the weight in the payment sheet. The security officer checks the weight in the slip and the printed card and then passes the same for payment to the cash section. Payment is made from the cash department based on the payment sheet countersigned by the security officer. The above explanation was not accepted by the General Manager, who appointed the Chief Engineer of the Mills as the enquiry officer. Subsequently on 5-4-1975 the General Manager himself called Gopalakrishna Pillai for an enquiry. The enquiry conducted was in violation of all principles of natural justice. Even though Sri Gopalakrishna Pillai requested the enquiry officer to direct the management to produce the weighment sheets of 1972 and 1973, printed cards from November 1972 to January 1973, weighment sheets and printed cards from October 1973 to January 1974 etc. they were not caused to be produced.

Had they been produced it could have been seen that the machine trouble in the balance had caused such overwriting even prior to Gopalakrishna Pillai taking charge and also subsequently. From October 1973 to December 1973 Gopalakrishna Pillai was not on duty several days. Even on such days also, the overwritings could be seen. Still, for such days also he was held responsible. Eventhough the records were deliberately suppressed, the security officer gave evidence before the enquiry officer that he had verified all the records and found them correct. Further, Gopalakrishna Pillai was not served with the enquiry report or proceedings inspite of demand. The enquiry and dismissal order are avoid for other reasons as well. The enquiry officer was also the dismissing authority. He never cared to get at the weighment sheets and printed cards and to verify them. For victimisation purpose alone, the enquiry was delayed from 1-1-1974 to 21-7-1975. The findings of the enquiry officer are perverse since out of the 8 witnesses examined six deposed against the management and the other two did not give any legal evidence. The dismissal order has not been sanctioned by the Board.. Hence the dismissal order has to be set aside and Sri Gopalakrishna Pillai has to be reinstated with full back wages and attendant benefits.

The Opposite Party has filed a written statement contending:—Grave misconducts of P. K. Gopalakrishna Pillai were detected and he was given a charge memo including the following charges:—

(a) On 31-12-1973 P.K. Gopalakrishna Pillai with Sri V.M. Manoharan Pillai a co-clerk altered the gross weight or sugar cane of Lorry No. K.L.A. 367 from 11790 to 14790 to misappropriate a sum of Rs. 274.

(b) P.K. Gopalakrishna Pillai has managed to misappropriate the value of 51 lorry loads of sugar cane by makings bogus weight cards and other records.

Since the explanation given by Sri Gopalakrishna Pillai was found unsatisfactory a domestic enquiry was conducted, in which the delinquent also participated. He was found guilty at the enquiry and since the misconducts proved against him were of a grave and serious nature he was dismissed with effect from the date of his suspension i.e. 1-1-1974. The enquiry proceedings were strictly in accordance with law and natural justice. All the allegations against the conduct of the enquiry are without any basis. A case of defalcation of the Society's funds by 2 of its employees, who were working as weighment clerks entrusted with the work of cane weighment, was detected and on detailed enquiry it was found that the 2 employees namely Sri P.K. Gopalakrishna Pillai and Sri V.M. Manoharan Pillai were guilty of the charges of defalcation of money by manipulation of cane weighment record. They were entrusted with the work of weighing the sugar cane purchased by the Society for crushing in the sugar mill and preparing records connected there with and they were found responsible for correcting the recorded weights of sugar cane supplied, for making bogus entries in the cane supply register and for receiving payments for the

bogus supply of sugar cane based on false records prepared in the names of bogus persons. The amount thus defalcated was assessed at Rs. 85,007.87. Since a criminal offence was involved the case was reported to the police for initiating criminal prosecution. Accordingly a case was registered against the two employees as Crime No. 96/76 of the Pandalam Police Station and 2 cases were registered before the Sub Divisional Magistrate, Chengannur as C.C. 568/76 and 560/76. It is understood that the 2 workers under took before government that they will not seek reinstatement and that they will make good the loss incurred by the society. So they are estopped from claiming any relief. The loss of the Society has not been made good by them so far. The prior conduct of Sri Gopalakrishna Pillai shows that the Management cannot repose any confidence on him. So an award has to be passed finding that Sri Gopalakrishna Pillai is not entitled to any relief.

The only question for consideration at this stage of the case is whether the domestic enquiry held against Sri Gopalakrishna Pillai was proper or defective.

The evidence consists of Ext. M1 series and Exts. W1 and W2.

Perusing Ext. M1 series enquiry records I have no hesitation to hold that the enquiry was defective for many reasons. Management witnesses 3 and 4 have not been cross-examined by Sri Gopalakrishna Pillai. If that was not dues to the fault of the Management, one could not justify the non-participation of the accused workman. But as seen from pages 17 to 19 of Ext. M1 the accused workman wrote demanding list of witnesses and documents in advance so that he could prepare and defend himself by successful cross-examination. But that opportunity was not afforded to him. So he did not cross-examine management witnesses 2 to 8 at the outset. But later on a list of witnesses was furnished to him; however management witnesses 3 and 4 were not offered to him for cross-examination and the other witnesses he cross-examined without getting a copy of their chief examination; copy of the chief examination ought to have been given to him as those witnesses 3 to 8 were examined in chief in his absence. Management witnesses 1 and 2 as already stated were also examined before the list of witnesses was furnished to the workman. Though they were cross-examined by the worker it must be presumed that he did so on protest as he was all along demanding in writing for list of witnesses and documents as seen from documents marked 8 to 13 of Ext. M1. Therefore there is procedural error affecting natural justice. At any rate one cannot relay for the above reason on the evidence of management witnesses 1 to 8. As seen from his complaint in document marked 12 in Ext. M1 the worker demanded certain records to be produced by the management. Evidently those records are the records mentioned in his statement at PP 6-7 of Ext. M1. But those records were not obtained and verified by the enquiry officer in the presence of the worker. The records which are weighment sheets, printed cards from November 1972 to January 1975, the letters relating to the correction of the

printed cards from the cane account section to the general manager and from the general manager to the security officer and again from the security officer to the General Manager and the lorry attendance register from 1972 to 1975 should have been produced by the management and verified by the enquiry officer especially in view of the demand of the worker for production of such records and his plea that due to the faulty balance correction used to be made in the printed cards even before his taking charge in the weighment section and after and even when he was not on duty. But such relevant records, which are the best pieces of evidence, were suppressed by the management, who relied on secondary oral evidence.

Thus excluding the oral evidence of the management witnesses 1 to 8 and the other secondary evidence, there is no legal evidence to find that the charge was proved against the worker at the enquiry. The finding of the enquiry officer was therefore one which no reasonable man would find and hence nothing but perverse. Ext. W1 and W2 are not sufficient to hold otherwise. Ext. W1 is an agreement executed by Sri Gopalakrishna Pillai and his co-accused undertaking not to claim reinstatement in service and to compensate loss, if any, caused to the factory for the purpose of withdrawal by the Government of C.C. 568 and 569/76 pending against them and Ext. W2 is the Order of the Govrnement according sanction to withdraw the cases in view of the undertaking in Ext. W1. These cannot convert a defective enquiry into a wholesome enquiry. I therefore find that the enquiry conducted against Sri Gopalakrishna Pillai is defective and not proper.

Following my above finding, the management has to be given a chance to prove the alleged misconduct before this Court and the worker has to be given a chance to adduce evidence contra.

Order as indicated above; the case will be posted for the evidence of the management."

6. Exhibit M1 to M15 were marked. And MW1 to MW4 and WW1 were examined.

7. On the basis of the information given by the management the police had registered a case against the workman and his colleague by name Manoharan Pillai. After investigation the police had laid charge sheet before the First Class Magistrate of Chenganuoor. While the Criminal case was pending the District Magistrate of Alleppey, passed exhibit M 14. The relevant portion of which is extracted below :— "The Government in their letter read above has informed that there is no objection to withdraw, with the leave of the Court, the Case in CC No. 568/76 and 560/76 of Sub-Divisional Magistrate Court, Chengannoor, corresponding to Crime No. 96/76 of Pandalam Police Station on the specific understanding that the concerned officers, who have been dismissed, will not be reinstated in service and that the loss to the Factory is compensated by them together with interest.

8. In the above circumstances, sanction is accorded to withdraw with the leave of the Court, the case in CC No. 568/76 & 560/76 of Sub-Divisional Magistrate, Chengannoor corresponding to Crime No 96/76

Pandalam Police Station on specific condition that the officers, who have been dismissed will not be reinstated in service and the loss to the Factory is compensated by them together with interest.

9. Exhibit M 15 is the agreement executed by the workman and his colleague Manoharan Pillai in pursuance of Ext. M 14. The operative portion reads as follows:—

"As directed by the above referred proceedings and the letter No. 76263/F2/76 Home dated 7-4-1977 of Special Secretary to Government (Home) (F) Department, Trivandrum we undertake that we will not claim to be reinstated in service and the loss if any caused to the factory by us will be compensated together with interest". The management has relied on the above undertaking in support of their contention that the workman is estopped from claiming the relief of reinstatement. It was on the other hand contended by the workman that the agreement is one stiffling a criminal prosecution and therefore the same is hit by section 23 of the Contract Act. Section 23 provides that all agreements the objects of which are unlawfull are void. Illustration (h) which is extracted below makes the position clear. "A promises B to drop a prosecution which he has instituted against B for robbery, and B promises to restore the value of the things taken. The agreement is void as its object is unlawful. Nothing more is required to show that the agreement evidenced by exhibit M 15 is unenforceable. The Learned Counsel for the workman has relied on the decision reported in 1967 K.L.T. 19 (PARAMESWARN PILLAI.V. KUDAMALOOR REGIONAL SERVICE CO-OPRATIVE SOCIETY), in support of his contention that the agreement is unenforceable. In that decision the High Court had quoted with approval the following observation of the privy Council in the decision reported in AIR 1930 privy Council 100. "It may quite well be that a prosecution only commences after a summons is issued, and that before that stage is reached a complainant cannot be said to have dropped a prosecution under the Code: see Golap Jan V. Bholanath (1911-38 Cal.330). Their Lordships are not called upon to express any opinion on this point nor are they doing so. The real question involved in this appeal on this part of the case is whether any part of the consideration of the referrence or the ekrarnama was unlawful, and not whether any prosecution within the meaning of the Criminal procedure Code had been started or dropped. It was an implied term of the referrence or the ekrarnama that the complaint would not be further proceeded with, then in their Lordships' opinion the consideration of the referrence or the ekrarnama as the case may be, is unlawful: see Jones V. Merionethsire Permanent Benefite Building Society (1892) 1 Ch.173) and the award or the ekrarnama was invalid, quite irrespective of the fact whether any prosecution in law had been started".

10. In view of the above, one cannot but conclude that the agreement evidenced by Exhibit M 15 is one for stiffling prosecution and the same cannot be enforced.

11. The next aspect to be considered is whether the management has succeeded in establishing any of the charges levelled against the workman,

12. The first charge relates to the correction in the cane weighment record of Lorry No. KLO 367. The charge reads "Shri P.K. Gopalakrishna Pillai, (B. No. 87) was on duty in the 1st shift on 31-12-1973 at the weighbridge along with Sri V.M. Manoharan Pillai, (Badge No. 172). The Cane Lorry KLO 367 arrived at the Gate on that day at 4.35 a.m. according to the entry in the Lorry Attendance Register maintained by the Watchman on duty. But Sri P.K. Gopalakrishna Pillai has written this Lorry KLO 367 in the Cane Supply Register as the last entry of the 3rd Shift on 30-12-1973, the time of arrival of the lorry being wrongly written as 4 a.m. During the preliminary enquiry on 21-9-1974, he has accepted having made this wrong entry in the records and explained that he did so at the request of the Sugarcane Ryot who supplied the Cane. On a scrutiny of the Weight Card of this Lorry Load, it is observed that the printed weight has been overwritten as 14.790. It is seen that the digit second from the left which was '1' has been corrected as '4' thereby increasing the weight of Cane recorded by 3 tonnes. Sri V.M. Manoharan Pillai who was also on duty in the same shift has accepted during the preliminary enquiry that he has made the correction. Sri P.K. Gopalakrishna Pillai had thus colluded with Sri V.M. Manoharan Pillai in manipulating the Cane Weighment Records of Lorry No. KLO 367 and made an attempt to shift the responsibility for the correction in the Weight Card to the persons who worked in the previous shift. He has also caused financial loss to the society to the extent of the value of 3 tonnes of Cane (Rupees 274.50)." The charge proceeds on the basis that the workman had admitted that he had made the correction and that he did so at the request of the owner of the sugar-cane load. The workman who was examined as WW.1 has not putforward a case that he had not made any such admission.

13. In the course of the domestic enquiry the workman had made a general statement. The same is seen at pages 1 to 8 of exhibit M 1 series. The relevant portion is extracted below:—

"31-12-1973-ൽ കരിമ്പ് തൂക്കിയപ്പോൾ വ്യത്യാസം വന്നപ്പോൾ അത് വാച്ചർ രാഘവൻ കാൺകെ മനോഹരൻ പിള്ള തിരുത്തി. അതിന് അന്നേരം യാതൊന്നും ഇല്ലായിരുന്നു. പിറ്റേ ദിവസം ഉച്ചയായപ്പോൾ ആണ് എന്നെ സസ്പെൻറു ചെയ്യുന്നത്."

Even at that stage the workman had not changed his original version as detailed in the memo of charges that he made an erroneous entry regarding the time of arrival of the Lorry and that he did so as desired by the owner of the sugar-cane load.

14. The workman had stated in examination in chief that exhibit M13 is the copy of the memo of charges issued to him and that he had replied to exhibit M 13. Even at that stage the workman has not putforward a case that he had not made any wrong entry regarding the time of arrival of Lorry No. KLO 367. Exhibit M 11 is the weight record in respect of Lorry No. 2320. WW1 has stated from the witness box that the file containing exhibit M11 does not contain the weight record in respect of Lorry No. KLO 367. Thus the workman is aware of the fact that the weight

record in respect of the Lorry in question is not being used against him in this proceeding. (The reason given by Sri Parameswara Panicker is that the document has been taken away by the police in connection with the criminal cases already referred to). Now WW1 has putforward a case that on 31-12-1973 a correction was made in the weight of one Lorry and the same has been verified and countersigned by the Security Officer. Even in his claim statement the workman has not stated that the correction made on 31-12-1973 has been verified and countersigned by the Security Officer. The Security Officer was examined as MW2. He has given evidence regarding the procedure adopted at the Mannam Sugar Mills for weighment of sugar-cane. The lorry load would be accompanied by the cutting order and weighment slip. The slip would be handed over to the clerk on duty at the weighbridge. The clerk would take the weighment card and insert the same in the weighbridge. The weight would get printed on the weighment card. Then the Lorry is taken for unloading the sugar-cane. After unloading the lorry is again taken to the platform and the card used for recording the gross weight is again inserted and the tare weight also gets printed. The time of taking the weighments are recorded. After one shift the clerk who comes next would make the entries in the register showing details of cane supply made for the day and hand over the register to the Security Officer. If any difference is seen in the weight noted in the weighment card and the weight seen on the scale the clerk concerned would bring it to the notice of the Security Officer or his Assistant. If any such difference is seen that particular machine would not be used before it is repaired. It was not suggested in cross-examination that the weight recorded in respect of K.L.O. 367 of 31-12-1973 has been corrected with the concurrence of the witness and that he had countersigned the same. It was also not suggested that after the difference in weight in respect of Lorry No. K.L.O. 367 was noticed the weighbridge in question was not used for further weighment.

15. The presence of MW1 the watchman at the time of weighment of the lorry in question is admitted by the workman in his statement at page 3 0f exhibit M1 series. MW1 has also explained the procedure for weighing Lorry Loads of sugar-cane. He has stated that payments are made on the basis of the weight recorded by the weighment section. In examination in chief the witness had only stated that Sri Gopalakrishna Pillai was dismissed since he had misappropriated money by making false entries regarding weight. In cross-examination he was asked about the fraud committed by the workman. The witness stated that on the day in question the Lorry belonging to the State Farming Corporation came there. Even before the Lorry stopped the witness heard the sound caused by punching. When the witness questioned about it, the card was torn. Again before persons came out of the Lorry the punching was done. The witness questioned about the madness of the act. That card was also torn. The third card was used for recording the weighment. The Security Officer was not present at that time. After 5 minutes the lorry in question came with a very small load. When that was weighed the witness asked about the weight. But he did

not get a reply. Usually the register where weights are recorded is kept open. At the relevant time that was kept closed. The witness was not permitted to look into it., In the evening the witness went to the Security Officer's residence and reported the matter. When questioned further the witness stated that the number of lorry is 367. It was suggested that the section had reported to the, company about the defect in the weighbridge and the witness was asked whether he is aware of the action taken by the company regarding the matter. He replied that there are two weighment machines and if defects are noticed in one the other would be made use of. The last statement .made by MW1 in cross- examination corroborates the statement made by the Security Officer that when a machine is found to be defective the same will not be made use of until repaired and that the second machine would be used. The statements made by the watchman regarding what transpired on the relevant date go a long way to show that as a matter of fact the weight was corrected with fraudulent intention and that the time of arrival of the Lorry was wrongly shown with a view to shunt on the responsibility for the fraud on the persons who were operating the previous shift.

16. When the irregularities were noticed the management had authorised MW5 an Accounts Officer of the Accountant General's Office who was on deputation to the Mannam Sugar Mills for further enquiry. Exhibit M2 is his report. He has also outlined the procedure, for weighment of lorry loads of sugar-cane. The Lorries first come to the main gate. The Security Staff at the main gate enter the Lorry number and the time of arrival in a register. Then the Lorry proceeds to the weighbridge which is inside the factory. The security Officer on duty there notes the number and the time of arrival of the lorry. Then the Lorry is put on the weighbridge. The weight is recorded by the weighment Clerk. The card is inserted and the gross weight gets printed on it. A serial number also gets printed. That number is generally called the code number. Then the lorry is taken to the sugar-cane carrier inside the factory and the sugar-cane is unloaded. The Lorry goes back to the weighbridge and the tare weight is taken making use of the card used for recording the gross weight. Then also the serial number otherwise known as code number would be recorded. The serial number recorded at the time of the tare weight would be more than that recorded along with the gross weight. When the lorry goes back, that time also will be recorded at the weighbridge and the main gate. The witness has proved exhibits M3 to M10, the Registers of cane supply maintained in the Mannam Sugar Mills. The witness has stated that there was nothing wrong with the balance of the weighbridge. According to him the manufacturer used to do annual maintenance as per the contract. Regarding the charge in question the witness has stated as follows in exhibit M2 his report. "The first charge raised in this case is of manipulating the weighment card in respect of lorry No.KLO 367. On a scrutiny of the weight card it is seen that the printed weight has been corrected as 14.790 in manuscript. The printed weight cannot be deciphered due to the overwriting. But it is easily seen that the digit second from left which was '1' has been corrected as '4' thus increasing

the weight by about 3 tonnes. That there is correction is evident and Sri Manoharan Pillai has accepted that he had made the correction. But his contention is that the correction was necessary since the weight got printed was different from the weight indicated by the needle of the machine. But he cannot recollect the weight indicated by the needle. Besides there has been no instance where there is difference in the number of tonnes indicated by the needle and that printed, although, there can be difference in the number of kilogramme, since the machine gives print only to the nearest 10 kilogrammes. The fact that correction was made has not been disputed and the explanation given in support of the correction cannot be accepted. The conclusion is that the correction was made with the positive intention of showing a higher weight, thus enabling a higher claim towards cost of cane resulting in loss to the factory. The charge therefore, stands proved and Sri Manoharan Pillai is guilty of the first charge.

17. "The second charge is that of making incorrect entries in the register of cane supply. According to the Lorry Attendance Register, the Lorry KLO 367 arrived at the gate at 4.35 a.m. on 31-12-1973. That is in the first shift of 31-12-1973 when Shri Gopalakrishna Pillai and Sri V.M. Manoharan Pillai were on duty at the weighbridge But in the Register of cane supply it has been entered as the last entry for the 3rd shift of 30-12-1973, the time of arrival of the lorry being wrongly given as 4 a.m. Sri Gopalakrishna Pillai has accepted having made the wrong entry in the records and his explanation is that it was done at the instance of the ryot who had supplied the cane and who suggested that such a wrong entry would enable him to receive the prices together with that of the other two loads he had supplied on the same day that is 30th December, 1973. The records show that only one load was received under the same account (B/89) on 30th December, 1973 (first shift). But a previous load had been received in the second shift on 29th December, 1973. For the still earlier load of 8.530 tonnes supplied on 28th December, 1973 payment had already been made on 29th December, 1973. This would lead to believe that the ryot had no intention of getting the price of the entire supply together. Besides the correct entry of the load which arrived in the first shift on 31-12-1973 would in no way have prevented the ryot from receiving the price along with that of the previous loads. Hence the explanation given by Sri Gopalakrishna Pillai cannot be accepted. It is to be emphasised here that the load in respect of which the wrong entry has been made is the same as that mentioned in the previous charge and in respect of which the weight had been corrected. Hence the conclusion is that the entry was made as relating to a shift in which Sri Gopalakrishna Pillai and Sri Manoharan Pillai were not on duty in a calculated attempt to shift the responsibility for the correction in the weight card to somebody else. This goes to strengthen the first charge".

18. The witness had proved his report, exhibit M2. But he was not cross-examined with regard to the portion extracted above where the witness has come to the conclusion that the workman an his colleague

Manoharan Pillai had collusively made the correction with a view to make the society pay the price of 3 tonnes of cane which it had never received and with a view to shunt on the responsibility to the persons who had worked in the 3rd shift of 30th December, 1973.

19. The non-production of the weight record in question as well as non-production of lorry Attendance Register have been relied on by the workman as circumstances against the management. It has already been seen that the delinquents have already admitted the correction and they have put forward their own explanation for the same. Therefore from the non-production of the weight record alone one cannot rush to the conclusion that the workman and his colleague are not guilty of the charge. If the management had produced the weight record it would have been possible to find out whether the correction has been counter signed by the Security Officer. The case of counter-signature is a later development. Further it has already been seen that there is abundant evidence to show that the correction which was made immediately before the suspension of the workman was made with fraudulent intention. The workman had no case that the Lorry arrived at the time noted by him in the page relating to 30th December, 1973 in exhibit M3. The Workman and his colleague knew that the Watchman was suspecting some foul play. That must have been the provocation for advancing the time of arrival of the lorry. In the circumstances I hold that charge number I has been proved.

20. The next charge relates to the defalcation of the value of 8.53 tonnes of cane said to have been brought in Lorry number KLQ 2320. The case of the management is that such a Lorry had not come to the sugar mills, on 28th December, 1973. The Management has not produced the Lorry Attendance Register which would have shown that the Lorry No. KLQ 2320 had not come to the factory. But MW5 has been able to point out certain circumstances which would go to show that the workman is not innocent. Exhibit M3 is the register showing the details of cane supply relating to the 3rd shift. The entries relating to 28th December, 1973 are at the page marked M3 (a) KLQ 2320 is shown as item No. 19 and the arrival time is 1.35 p.m. and the departure time is 3.15. KLQ 4984 shown as item No. 3 arrived at 9.10 and left at 9.35. It has already been seen that serial numbers get automatically printed on the weighment card at the time of weighment. There is abundant evidence to show that the numbers follow one after the other in numerical succession, At one stage of the cross-examination the workman who has been dealing with the weigh-bridge for a number of years has gone to the extent of saying that he does not know whether the numbers are printed in serial order. Exhibit M11 is the weight record in respect of KLQ 2320. The code number printed on exhibit M11 is 6228, while the code number of KLQ 4984 is 6229. This would go to show that Lorry number 2320 was weighed immediately before 4984. But according to the entry exhibit M3 a, it was weighed 5 hours and 40 minutes after 4984. The gross weight of both the Lorries are shown as 12.670 m tonnes. The only possible inference is that the gross weight of

Lorry No. KLQ 4984 was recorded twice, making use of two separate weight records. MW5 was not cross-examined with reference to the documents above referred to or his statements in examination in chief.

21. The next aspect to be considered is how the clerk at the weighbridge could misappropriate the price of the Lorry load of sugar-cane when actually the amount is to be disbursed by the cashier to the man who brought the sugar-cane. In the area where the Mannam Sugar Mills is situated there is another Sugar Factory by name Pamba Sugar Factory. Both these factories depend on the sugar-cane cultivated in the adjoining areas. It is common ground that the Government have by notification specified the areas from which the Mills are to purchase sugar-cane. The area outside the jurisdiction of one Mill is called its "out area". Due to the scarcity of sugar-cane the Mannam Sugar Mills used to purchase sugar cane brought from the out area. There is evidence to show that the management used to encourage the subordinate Officers to canvass sugar-cane from the out area. The workman does not admit that there was such a practice and he used to bring sugar-cane from the out area. He has given his reasons at page 5 of exhibits M1 series "പമ്പ റിവർ ഫാക്ടറിയിൽ ടണ്ണിനു 92 രൂപാ വില നല്കിയിരുന്നപ്പോൾ ഇവിടെ 91.5 രൂപയേ വില കൊടുത്തിരുന്നുള്ളു. ആ നിലയ്ക്ക് ഞാൻ കരിമ്പ് ഇവിടെ നല്കിയപ്പോൾ കൃത്രിമം കാണാതിരിക്കയില്ലെന്ന് ഇവിടെ ആളുകൾ പറഞ്ഞുനടക്കാറുണ്ട്. എന്നാൽ ഞാൻ ഇവിടെ കരിമ്പ് കൊണ്ടുവന്ന് കൊടുത്തിട്ടേയില്ല. ഞാൻ പെയ്മെൻറ് ക്ളാർക്ക് ആയതുകൊണ്ട് ഞാൻ കരിമ്പ് കൊണ്ടുവന്നു കൊടുക്കണമെങ്കിൽ ഓഫീസിൽ നിന്നും പേപ്പറടിച്ചു തരണം. എനിക്കതു തന്നിട്ടുമില്ല. ഞാൻ കരിമ്പ് ഇവിടെ എത്തിച്ചിട്ടുമില്ല."

MW3 the Cane Development Officer has stated in examination in chief that the workman used to supply sugar-cane from outside the notified area of Mannam Sugar Mills and he does not know in whose name it was being done. He stated in cross-examination that he had not seen the workman supplying sugar-cane and that the workman had told him that he occasionally brings some sugar-cane. The Cashier who was examined as MW4 has stated that he had paid the price of sugar-cane to the workman. The witness stated in cross-examination that he does not remember whether the bill in respect of those payments were in the name of the workman himself. In this connection the answers given by the workman when questioned by the Enquiry Officer have also got to be noticed. The question and answers are seen at page 57 of exhibits M1 series. The attention of the workman was drawn to certain bills and he was asked whether it was he who wrote the name of the persons who had received the payment. He answered, "ബിൽ വാങ്ങാൻ ആളു നിൽക്കുമ്പോൾ എഴുതാൻ അറിയാത്തവരാണെങ്കിൽ ഞാൻ അവിടെ ഉണ്ടെങ്കിൽ എന്നോടാവശ്യപ്പെട്ടാൽ പേരെഴുതികൊടുത്തു കാണും.

Question; ഒപ്പിട്ടുകൊടുക്കുമോ?
Answer: ഇല്ല.

Question: ഒപ്പിട്ടിരിക്കുന്നത് ഇംഗ്ലീഷിലാണല്ലോ?
Answer: അതിനേപ്പററി ഒന്നും പറയാനൊക്കത്തില്ല.

Question: ഇതു നിങ്ങളുടെ കൈയ്യക്ഷരമാണോ?
Answer: അറിയാനൊക്കത്തില്ല.

Thus there is some evidence to show that the workman used to supply sugar-cane at the factory and he used to receive payment. In the instant cases the name of the owner of the sugar-cane is shown as Gopalakrishna Pillai. May be there is some difference in the address. MW5 has referred to this charge in paragraph 8 of exhibit M2 and he has stated as follows:—"In the Register of Cane Supply for 28-12-1973 third shift there is an entry, to showing supply of 8.530 m tonnes of cane through Lorry KLQ 2320 which arrived at 1.35 a.m. The weight card for this lorry shows the code No. for the gross weight as 6228. It is also seen that the code No. for the gross weight of Lorry No. 4984 which arrived at 9.10 p.m. on the previous day is 62.29. The weight card for a lorry which arrived later cannot have an earlier code No. Further the Lorry KLQ 2320 does not appear in the lorry attendance Register. Hence the supply of 8.530 m. t. of cane through lorry No. KLQ 2320 is bogus and value there of has been defalcated. Sri Gopalakrishna Pillai was on duty in this shift and he is responsible for the defalcation". MW5 was not cross-examined with reference to this aspect of his report. The workman who had examined himself did not offer any explanation for the circumstances appearing against him. The vague explanation that lorries which came earlier but which did not possess cutting orders were generally detained and the lorries which came later were weighed first, is not supported by any evidence. The workman had stated during the domestic enquiry that if the lorry came from far off place like Anchal if it may have to be detained for about eight hours. In the present case exhibit M11 shows that the Lorry came from Pandalam section itself. When all the above circumstances are taken into account, one cannot but held that charge No. 2 has been established.

22. The third charge relates to misappropriation of the value of 51 lorries of sugar-cane. MW5 has stated in his report exhibit M2 the details regarding the quantity of sugar-cane and the value thereof. He has stated in examination in chief that the cases noted by him have been detailed in his report. The management has not placed before the court materials other than the report of MW5, in support of the charge relating to misappropriation of 51 lorry loads of sugar-cane. Without some corroborative evidence I am not prepared to hold that this charge has been proved.

23. The next point to be considered is regarding the punishment. It has already been seen that charges Nos. 1 and 2 have been proved. The charges proved against the workman are all of a very gravenature and it is not advisable to keep him in service of the management. Therefore the order of dismissal has to be upheld.

24. In the result I pass an award upholding the dismissal of Sri P.K. Gopalakrishna Pillai, Weighment Clerk.

25. This award shall came into force with effect from the expiry of thirty days from its publication in the Government Gazette.

26. Dictated to the Confidential Assistant, transcribed by her, co rected and signed by me this the 8th February, 1983.

T.V. KUNHAHAMED,
*Presiding Officer.*

APPENDIX

*Exhibits marked on the side of the Management:—*

M1 Series—Enquiry report dated 21-5-1975 submitted by Sri M. C. Warrier M. Sc., B.Sc. (ASTON) M.I.E. (INDIA) and the records relating to the enquiry.
M2 Enquiry report submitted by the Accounts Officer.
M3 Cane Register of Shift 3 from 15-1-1973 to 18-2-1974.
M4 Cane Supply Register of Shift 2 from 19-1-1973 to 21-2-1974.
M5 Detto of Shift 3 from 15-10-1973 to 25-12-1973.
M6 Detto of Shift 1 from 13-1-1973 to 9-1-1974.
M7 Detto of Shift 1 from 8-1-1973 to 22-2-1974.
M8 Cane Supply Register of Shift 2 from 15-10-1973 to 23-12-1973.
M9 Detto of Shift 3 from 15-11-1972 to 9-1-1973.
M10 Detto for Shift Nos. 1 and 2 from 4-1-1972 to 16-1-1973.
M11 Weight record in respect or Lorry No. Q. 2320.
M12 Weight record in respect of Lorry No. K.L V.4127.
M13 Memo of charges issued to Sri P. K. Gopalakrishna Pillai.
M14 Proceedings of the District Magistrate, Alleppey, No. K.D.S / 36058/77/CA dated 19-7-1977.
M15 Agreement dated 13th June 1977 executed by P.K.Gopalakrishna Pillai & Manoharan Pillai.

## GOVERNMENT OF KERALA

### Transport, Fisheries and Ports (Transport-C) Department

### NOTIFICATION

No. 20899/TC2/82/TF & P. *Dated, Trivandrum, 8th March* 1983.

**S. R. O. No. 599/83.**—In exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), the Government of Kerala being of opinion that it is necessary in the public intceest so to do, hereby make an exemption in regard to the tax payable under the said Act in respect of the Mini bus bearing Registration No. KRK. 2554 and registered in the name of the provincial. Cormolite Provincial Home, Anthinad, Palai, who is the Director of Santhinilayam Anthinad, Kottayam District which is a Training Centre for the handicapped children, subject to the condition that the said vehicle shall be used solely for the conveyance of the trainess in Santhinilayam to schools and back to their houses free of charge and that the vehicle shall not be used for any other purpose by any person either with or without remuneration.

By order of the Governor,

K. KARUNAKARAN,

*Additional Secretary to Government.*

### Explanatory Note

(This is not part of the notification but it intended to explain the reason for the issue).

The Director, Santhinilayam, Anthinadu, Kottayam, has requested that Mini bus No. KRK. 2554 may be exempted from payment of vehicle tax since the vehicle is solely used for charitable purpose relating to the institution. Government are convinced that the vehicle is used solely for the charitable purpose of the above institution and hence decided to grant exemption as notified.

## GOVERNMENT OF KERALA

**Water and Power (Electricity-B) Department**

NOTIFICATION

G. O. (Rt) No. 164/83/W&P. *Dated, Trivandrum, 22nd April* 1983.

**S. R. O. No. 601/83.** In exercise of the powers conferred by clause (3) of section 2 of the Kerala Land Acquisition Act, 1961 (21 of 1962), the Government of Kerala hereby appoint the Special Tahsildars specified in column, (2) of the schedule below, to perform the functions of a Collector under the said Act within the area specified against each in column (3) thereof and under subsection (2) of section 3 of the said Act authorise them, their servants and workmen to exercise the powers conferred by the said subsection in respect of any land within their jurisdiction, for the acquisition of which a notification under subsection (1) of section 3 has been published.

SCHEDULE

| *Sl. No.* | *Designation of the Officers* | *Area* |
|---|---|---|
| (1) | (2) | (3) |
| 1. | Special Tahsildar Land Acquisition, Kuttiyadi Augmentation Scheme, Thariode. | (1) Padinharathara Village of Vythiri Taluk, and<br>(2) Thariyode Village of Vythiri Taluk. |
| 2. | Special Tahsildar Land Acquisition, Mananthavady Multipurpose Scheme, Mana thavady. | (1) Thondernad Village of Mananthavady Taluk,<br>(2) Vemom Village of Mananthavady Taluk,<br>(3) Thavinhal Village of Mananthavady Taluk,<br>(4) Peria Village of Mananthavady Taluk, and<br>(5) Kappad Village of Tellicherry Taluk. |

By order of the Governor,
G. GOPALAKRISHNA PILLAI,
*Special Secretary to Government.*

**Explanatory Note**

(This is not part of the Notification but is intended to indicate its general purport).

Out of the three Land Acquisition units attached to Mananthavady Multipurpose Scheme, the Land Acquisition unit at Thondernad has been shifted to Kuttiyadi Augmentation Scheme with headquarters at Thariyode, and the L. A. unit at Peria has been abolished retaining the L. A. unit at Mananthavady as per G. O. (Rt) No. 1768/82/PW&E dated 19-11-1982.

The jurisdiction of the special Tahsildar, Mananthavady has therefore to be extended to the Thondernad and Peria Village of Mananthavady Taluk and Kappad Village of Tellicherry Taluk also and the Special Tahsildar (LA), Thariyode has to be assigned jurisdiction over Padinharathara and Thariyode Villages of Vythiri Taluk. Those two Special Tahsildars have to be empowered under clause (3) of section 2 of the Kerala Land Acquisition Act to perform the functions of a Collector. The notification is intended to achieve the above purport.

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# GOVERNMENT OF KERALA

## Transport, Fisheries and Ports (Transport-C) Department

## NOTIFIGATION

No. 27196/TG2/82/TF & P. *Dated, Trivandrum, 14th February* 1983.

**S. R. O. No. 602/83** —Whereas representation has been received by Government from the Stage Carriage Operator specified in the annexure to this notification, that the vehicle tax for the quarter ended on the 30th June, 1982, 30th September, 1982 and 31st December, 1982 in respect of the stage carriages particulars of which are specified in the said annexure could not be remitted within the prescribed period due to financial strain and that extension of time for payment of vehicle tax in respect of these vehicles may, therefore, be granted;

And whereas, the Government are convinced that circumstances existed that the operator of the said stage carriages could not remit the vehicle tax in respect of the said stage carriages ordinarily kept for use in the State for the quarter ended on the 30th June 1982, 30th September 1982 and 31st December, 1982 due to financial strain;

And whereas, the Government are convinced that non-operation of the said stage carriages due to non-payment of tax would have caused great inconvenience to the travelling public;

And whereas, the Government consider it necessary to extend in public interest the time for payment of the vehicle tax for the quarter ended on the 30th June, 1982, 30th September, 1982 and 31st December 1982, in respect of the said stage carriages;

Now, therefore, in exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), read with rule 5 of the Kerala Motor Vehicles Taxation Rules, 1975, the Government of Kerala hereby order that the vehicle tax for the quarter ended on the 30th June, 1982, 30th September, 1982 and 31st December, 1982 in respect of the said stage carriages ordinarily kept for use in the State shall be paid on or before the 30th November, 1982 together with additional tax payable under section 12 of the Kerala Motor Vehicles Taxation Act, 1976 read with the notification (5) No. 33942/TC2/75-5/PW. dated the 29th September, 1975 published as S.R.O. No. 876/75 in the Kerala Gazette Extraordinary No. 572 dated 29th September, 1975.

ANNEXURE

| *Name of Stage Carriage Operator* | *Registration No. of the Stage Carriages* |
|---|---|
| Smt. P. Lakshmi Pillai Amma, Thoppil Veedu, Chavara. | KLU 9078<br>KLU 1729<br>KLA 2122 |

By order of the Governor,

K. KARUNAKARAN,

*Additional Secretary to Government.*

**Explanatory Note**

(This is not part of the notification, but is intended to indicate the main purpose of the issue of the notification).

Government have received certain representations from the Stage Darriage Operators as shown in the annexure requesting extension of time for payment of vehicle tax for the quarter ended on 30th June, 1982, 30th September, 1982 and 31st December, 1982 due to financial strain;

Government are convinced of the position and in public interest, grant extension of time for payment of tax as otherwise these vehicles might be put out of operation for non-payment of tax causing great inconvenience to the travelling public.

Kerala Gazette No. 21dated 24th May 1983
PART I

Section iv



GOVERNMENT OF KERALA

**Revenue (G) Department**

NOTIFICATION

G O. (P) No. 373/83/RD. *Dated, Trivandrum, 16th April* 1983.

**S. R. O. No. 603/83.**—In exercise of the powers conferred by section 11 of the Kerala Board of Revenue Act, 1957 (7 of 1957) the Government of Kerala hereby make the following amendment to the First Schedule to the said Act, namely:—

AMENDMENT

In the said schedule, after the entry "9. colonisation" the following entry shall be added, namely:—

"10 Land Use"

By order of the Governor,
U. MAHABALA RAO,
*Special Secretary to Government.*

**Explanatory Note**

(This does not form part of the notification, but is intended to indicate its general purport).

The Government of Kerala have decided to include the subject "land use" to the First Schedule of the Kerala Board of Revenue Act, 1957. This notification is intended to achieve the above object.

# GOVERNMENT OF KERALA

## Transport, Fisheries and Ports (Transport-B) Department

## NOTIFICATION

G.O.Rt. No 942/82/TF & P *Dated, Trivandrum, 6th November*, 1982.

**S. R O. No. 604/83.**—Whereas Shri M. V. Ramachandran, s/o. M.R. Viswambharan, Mampilly House, Anthikkad, Trichur District has built a bus body on a new Ashok Leyland Cheetah chassis, the details of which are hereunder given for the purpose of plying it as a Stage carriage;

And whereas, the overall length and overhang of the said vehicle exceed the limits prescribed under sub rule (2) of rule 267 and rule 294 of the Kerala Motor Vehicles Rules, 1961; respectively;

And whereas, the Government of Kerala are satisfied that the said vehicle can conveniently be used as a stage carriage with such excess measurements in overall length and overhang;

Now, therefore, in exercise of the powers conferred by rule 368 of the Kerala Motor Vehicles Rules, 1961, the Government of Kerala hereby exempt the said vehicle from the provisions of sub-rule (2) of rule 267 and rule 294 of the said Rules.

DETAILS OF THE VEHICLE

Model—Ashok Leyland Cheetah
Type of body—Saloon
Class of vehicle—Stage carriage
Engine No.—ALEE 4165
Chassis No.—ALEE 147669
Year of Manufacture—1982
Overall length—969.2 centimetres
Overhang—60 % of the wheel base
Wheel base—210" (533.4 centimetres)
Seating capacity—43 in all

By order of the Governor,
T. SANKARAN,
*Additional Secretary to Government*

G. 1549.

[P.T.O.]

**Explanatory Note**

(This is not part of the notification but is intended to indicate its main purport).

Shri M. V. Ramachandran, s/o. M. R. Viswambharan Mampilly House, Anthikkad, Trichur District has requested Government to exempt the vehicle mentioned in the above notification from the provisions of sub-rule (2) of rule 267 and rule 294 of the Kerala Motor Vehicles Rule 1961, as the overall length and overhang of the vehicle exceed the measurements prescribed under these rules, so as to enable him to operate the vehicle as a stage carriage in Trichur District. Government have considered the request in consultation with the Transport Commissioner and have decided to grant the exemption sought for. Hence this notification.

Section iv

## GOVERNMENT OF KERALA

### Transport, Fisheries and Ports (Transport-B) Department

### NOTIFICATION

G. O. Rt. No. 940/82/TF&P. *Dated, Trivandrum, 6th November* 1982.

**S.R.O. No.** 605/83.—Whereas Shri M. S. Matbew, Mannummal House, Kandassankadavu P. O., Trichur District, has purchased a new Ashok Leyland Bus, the details of which are hereunder given for the purpose of plying it as a contract carriage as routes including ghat roads also;

And whereas, the overall length of the vehicle exceeds the limit prescribed under sub-rule (2) of rule 267 of the Kerala Motor Vehicles Rules, 1961;

And whereas, the Government of Kerala are satisfied that the said vehicle can conveniently be used as a contract carriage with such excess measurement in overall length;

Now, therefore, in exercise of the powers conferred by rule 368 of the Kerala Motor Vehicles Rules, 1961, the Government of Kerala hereby exempt the said vebicle from the provision of sub-rule (2) of rule 267 of the said Rules.

DETAILS OF THE VEHICLE

Model—Ashok Leyland Viking
Engine number—ALI 83672
Chassis number—ALA 100907
Overall width—247 centimetres
Overall length—1042 centimetres
Overhang—320 centimetres (58%)
Wheel base—533.4 Centimetres
Tamil Nadu Registration Number—TMN 8196

By order of the Governor,
T. SANKARAN,
*Additional Secretary to Government.*

**Explanatory Note**

(This is not part of the notification, but is intended to indicate its main purport.)

Shri M.S. Mathew, Mannummal House, Kandassankadavu P.O., Trichur District has requested Government to exempt the vehicle mentioned in the above notification from the provision of sub-rule (2) of rule 267 of the Kerala Motor Vehicles Rules, 1961, as the overall length of tbe vebicle exceeds the limits prescribed under the rule. The vehicle is intended to be operated as a contract carriage on routes including ghat roads also. Government have considered the request in consultation with the Transport Commissioner and have decided to grant the exemption sought for. Hence this Notification.

## GOVERNMENT OF KERALA

**Labour (F) Department**

### NOTIFICATION

G. O. (Rt.) 149/83/LBR. *Dated, Trivandrum, 16th February* 1983.

**S.R.O. No. 606/83.**—In exercise of the powers conferred by section 88 of the Employees' State Insurance Act, 1948 (Central Act 34 of 1948), read with section 91-A thereof, the Government of Kerala, in consultation with the Employees' State Insurance Corporation, hereby exempt the regular employees of the Kerala State Electricity Board from the operation of the provisions of the said Act for a period of one year from the 16th November, 1982, subject to the following conditions, namely:—

1. The establishment shall maintain a register showing the names and designations of its employees;

2. Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates;

3. The contribution for the exempted period, if already paid, shall not be refunded;

4. The establishment shall submit in respect of the period during which it was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;

5. Any Inspector appointed by the Corporation under subsection (1) of section 45 of the said Act, or other Official of the Corporation authorised in this behalf shall, for the purposes of:—

(i) verifying the particulars contained in any return submitted under subsection (1) of section 44 of the said Act; or

(ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or

(iii) ascertaining whether the employees continue to be entitled to the benefits provided by the employer in cash and kind being benefits in considerations of which exemption is being granted under this notifications; or

(iv) ascertaining whether any of the provisions of the said Act had been complied with during the period when such provisions were in force in relation to the said establishment be empowered to—

(a) require the establishment to furnish to him such information as he may consider necessary; or

(b) enter any factory, establishment, office or other premises occupied by the said establishment at any reasonable time and require any person found in charge thereof to produce to such Inspector or other official and allow him to examine such documents, books and other documents, relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary ; or

(c) examine the officers of the establishment or the servants, of the said establishment or any person found in such factory, establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee; or

(d) make copies of or take extracts from any register, account book or other documents maintained in such establishment office or other premises of the said establishment.

By order of the Governor,

V. KRISHNAMURTHY,

*Secretary to Government.*

**Explanatory Note**

**(This does not form part of the notification, but is intended to indicate its general purport.)**

The Kerala State Electricity Board has requested Government to grant permanent exemption from the coverage of E. S. I. Act from 12-9-1978 onwards. Government in consultation with the Regional Director, E.S.I. Corporation and after placing the matter in the Regional Board Meeting of E. S. I. Corporation held on 16-11-1982 have decided to grant exemption to the regular Employees' of the Kerala State Electricity Board for a period of one year from 16-11-1982. The notification is to achieve the above purpose.

GOVERNMENT OF KERALA

**Labour (C) Department**

NOTIFICATION

No. 6733/C3/83/LBR. *Dated, Trivandrum, 22nd April* 1983

**S. R. O. No. 614/83.**—In exercise of the powers conferred by sub-section (2) of section 5 of the Indian Boilers Act, 1923 (Central Act 5 of 1923), the Government of Kerala hereby appoint Sri N. Radhakrishnan, Joint Director of Factories and Boilers to be a Deputy Chief Inspector and in exercise of the powers conferred by subsection (1) of the said section appoint Sri V. Vinaya Babu, Inspector of Factories and Boilers, Grade II, to be an Inspector for the purposes of the said Act with jurisdiction over the whole of the State of Kerala.

By order of the Governor,
V. KRISHNAMURTHY,
*Secretary to Government.*

**Explanatory Note**

(This does not form part of the notification, but is intended to explain its general purport)

It has come to the notice of Government that the various Factory laws are not being effectively enforced by the officers of the Factories and Boilers Department. In order to ensure the strict enforcement of the above laws, Government have decided to form a vigilance wing in the department for the detection of the use of unregistered boilers in the whole State of Kerala and to watch the follow up action by the Inspector of Factories and Boilers in respect of Inspection conducted by them. This wing will conduct surprise inspections at the factories and send up reports direct to Government for evaluation. For this purpose the officers of the Vigilance wing have to be given jurisdiction over the whole state. The Notification is intended to achieve the above object,

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# GOVERNMENT OF KERALA

## Transport, Fisheries and Ports (Transport-C) Department

## NOTIFICATION

No. 26850/TC2/82/TF&P. *Dated, Trivandrum, 23rd February* 1983.

**S. R. O No. 615/83.**—Whereas representation has been received by Government from the Stage Carriage Operator Shri Abdulrahiman, Pattayamcherry, Edappally, Ernakulam that the arrears of vehicle tax for the quarter ended on the 31st March, 1932, 30th June, 1982 and 30th September 1982 in respect of the Stage Carriage bearing Registration Number KLF. 9622 could not be remitted within the prescribed period due to financial strain and that permission may be granted to remit the arrears of Vehicle tax in respect of this vehicle in 25 equal monthly instalments;

And whereas, the Government are convinced that circumstances existed that the operator of the said stage carriage could not remit the arrears of vehicle tax in respect of the said stage carriage ordinarily kept for use in the State for the quarter ended on the 31st March, 1982, 30th June, 1982 and 30th September, 1982 due to financial strain;

And whereas, the Government are convinced that non-operation of the said stage carriage due to non-payment of tax would caused great inconvenience to the travelling public;

And whereas, the Government consider it necessary in public interest to require the stage carriage operator to remit 25% of the total amount of the arrears of vehicle tax for the quarter ended on the 31st March, 1982, 30th June, 1982 and 30th September, 1982 in respect of the said stage carriage immediately after 23rd October 1982 and the balance in equal monthly instalments;

Now, therefore, in exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), read with rule 5 of the Kerala Motor Vehicles Taxation Rules, 1975, the Government of Kerala hereby order that out of the total amount of arrears of vehicle tax for the quarter ended on the 31st March, 1982, 30th June, 1982 and 30th September 1982 in respect of the said stage carriage ordinarily kept for use in the State 25% of the amount shall be paid immediately after 23rd October 1982 and the balance amount shall be paid in 10 (ten) equal consecutive monthly instalments beginning from 23rd October, 1982 together with additional tax payable under section 12 of the Kerala Motor Vehicles Taxation Act, 1976 read with the Notification (5) No. 33942/TC2/75-5/PW. dated the 29th September, 1975 published as S. R. O. No. 876/75 in the Kerala Gazette Extraordinary No. 572, dated the 29th September. 1975.

By order of the Governor,
K. KARUNAKARAN,
*Additional Secretary to Government*

**Explanatory Note**

(This is not part of the notification, but is intended to indicate the main purpose of the issue of the notification.)

Government have received representation from the Stage Carriage Operator as shown in the notification requesting instalment facility for payment of vehicle tax for the quarter ended on 31st March, 1982, 30th June, 1982 and 30th September, 1982 due to financial strain;

Government are convinced of the position and in public interest, grant instalment facility for payment of tax as otherwise the vehicle might be put out of operation for non-payment of tax causing great inconvenience to the travelling public.

## GOVERNMENT OF KERALA

### Labour (F) Department

### NOTIFICATION

G. O. (Rt.) 291/83/LBR. *Dated, Trivandrum, 16th March* 1983.

**S.R.O. No. 616/83.**—In exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (Central Act 34 of 1948), read with section 91-A thereof, the Government of Kerala, in consultation with the Employees' State Insurance Corporation hereby exempt the Trivandrum I. T. I. Certificate Holders Industrial Co-operative Society Ltd., Trivandrum from the operation of the provisions of the said Act for a period of one year from the 1st January, 1978 up to and inclusive of the 31st December, 1978, subject to the following conditions, namely:—

1. The society/ establishment shall maintain a register showing the names and designations of its employees ;

2. Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates ;

3. The contribution for the exempted period, if already paid, shall not be refunded ;

4. The society/establishment shall submit in respect of the period during which it was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950 ;

5. Any Inspector appointed by the Corporation under subsection (1) of section 45 of the said Act, or other Official of the Corporation authorised in this behalf shall, for the purposes of—

(i) verifying the particulars contained in any return submitted under subsection (1) of section 44 of the said Act ; or

(ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or

(iii) ascertaining whether the employees continue to be entitled to the benefits provided by the employer in cash and kind being benefits in considerations of which exemption is being granted under this notifications ; or

(iv) ascertaining whether any of the provisions of the said Act had been complied with during the period when such provisions were in force in relation to the said society he empowered to—

(a) require the society to furnish to him such information as he may consider necessary ; or

(b) enter any factory, establishment, office or other premises occupied by the said society at any reasonable time and require any person found in charge thereof to produce to such Inspector or other official and allow him to examine such documents, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary ; or

(c) examine the officers of the society or the servants of the said society or any person found in such factory, establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee ; or

(d) make copies of or take extracts from any register, account book or other documents maintained in such society establishment, office or other premises of the said society.

By order of the Governor,
V. Krishnamurthy,
*Secretary to Government.*

**Explanatory Note**

(This does not form part of the notification but is intended to indicate its general purport.)

The Director of Training in his letter No. C1. 26337/81 dated 30-10-1981 has requested to exempt the Trivandrum I.T.I. Certificate Holders Industrial Co-operative Society from the provisions of Employees' State Insurance Act. from 1976-78. Government after placing the case in the 31th Regional Board of the E.S.I. Corporation decided to grant exemption for a period of one year from 1-1-1978 to 31-12-1978. This notification is intended to achieve the above purpose.

# GOVERNMENT OF KERALA

## Transport, Fisheries and Ports (Transport-C) Department

## NOTIFICATION

No. 25775/TC2/82/TF&P *Dated, Trivandrum,* 18*th January* 1983.

**S. R. O. No. 618/83.**—Whereas representation has been received by Government from the Stage Carriage Operator Shri M. S. Venugopalan, Manamel House, Konathukunnu, Irinjalakuda, Trichur that the arrears of vehicle tax in respect of the Stage Carriage bearing Registrtion Number KRE. 5383 could not be remitted within the prescribed period due to financial strain and that permission may be granted to remit the arrears of vehicle tax in respect of this vehicle in monthly instalments;

And whereas, the Government are convinced that circumstances existed that the operator of the said stage carriage could not remit the arrears of vehicle tax in respect of the said stage carriage ordinarily kept for use in the State due to financial strain;

And whereas, the Government are convinced that non-operation of the said stage carriage due to non-payment of tax would cause great inconvenience to the travelling public;

And whereas, the Government consider it necessary in public interest to permit the stage carriage operator to remit the arrears of vehicle tax in respect of the said stage carriage in equal monthly instalments;

Now, therefore, in exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), read with rule 5 of the Kerala Motor Vehicles Taxation Rules, 1975, the Government of Kerala hereby order that the arrears of vehicle tax in respect of the said stage carriage ordinarily kept for use in the State shall be paid in fifteen equal consecutive monthly instalments commencing from 20th October, 1982 together with additional tax payable under section 12 of the Kerala Motor Vehicles Taxation Act, 1976 read with the Notification (5) No. 33942/TC2/75-5/PW. dated the 29th September, 1975 published as S. R. O. No. 876/75 in the Kerala Gazette Extraordinary No. 572 dated the 29th September, 1975.

By order of the Governor,

T. SANKARAN,

*Additional Secretary to Government.*

**Explanatory Note**

(This is not part of the notification, but is intended to indicate the main purpose of the issue of the notification.)

Government have received representation from the Stage Carriage Operator as shown in the notification requesting instalment facility for payment of vehicle tax due to financial strain;

Government are convinced of the position and in public interest, grant instalment facility for payment of tax as otherwise the vehicle might be put out of operation for non-payment of tax causing great inconvenience to the travelling public.

## GOVERNMENT OF KERALA

**Transport, Fisheries and Ports (Transport C) Department**

NOTIFICATION

No. 27165/TC2/82/TF & P. *Dated, Trivandrum, 8th March* 1983.

**S.R.O. No**. 620/83,—Whereas representation has been received by Government from the Stage Carriage Operator Shri Ahammad Koya, Thulaparambil, Narakkal, Ernakulam, that the vehicle tax for the quarter ended on the 31st March, 1981 and 30th June, 1981 in respect of the Stage Carriage bearing Registration Number KLD. 9766 could not be remitted within the prescribed period due to financial strain and that extension of time for payment of Vehicle tax in respect of this Vehicle may therefore, be granted;

And whereas, the Government are convinced that circumstances existed at the operator of the said stage carriage could not remit the Vehicle tax in respect of the said stage carriage ordinarily kept for use in the State for the quarter ended on the 31st March, 1981 and 30th June, 1981 due to financial strain;

And whereas, the Government are convinced that non-operation of the said stage carriage due to non-payment of tax would have cause great inconvenience to the travelling public;

And whereas, the Government consider it necessary to extend in public interest the time for payment of the vehicle tax for the quarter ended on the 31st March, 1981 and 30th June, 1981 in respect of the said stage carriage;

Now, therefore, in exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), read with rule 5 of the Kerala Motor Vehicles Taxation Rules, 1975, the Government of Kerala hereby order that the vehicle tax for the quarter ended on the 31st March, 1981 and 30th June, 1981 in respect of the said stage carriage ordinarily kept for use in the State shall be paid on or before the 30th November, 1982 together with additional tax payable under section 12 of the Kerala Motor Vehicles Taxation Act, 1976 read with the notification (5) No. 33942/TC2/75-5/PW. dated the 29th September, 1975 published as S. R. O. No. 876/75 in the Kerala Gazette Extraordinary No. 572 dated the 29th September, 1975.

By order of the Governor,
K. Karunakaran,
*Additional Secretary to Government.*



[P.T.O.]

## Explanatory Note

(This is not part of the notification, but is intended to indicate the main purpose of the issue of the notification.)

Government have received representation from the Stage Carriage Operator as shown in the notification requesting extension of time for payment of vehicle tax for the quarter ended on 31st March, 1981 and 30th June, 1981 due to financial strain.

Government are convinced of the position and in public interest, grant, extension of time for payment of tax as otherwise these vehicle might be put out of operation for non-payment of tax causing great inconvenience to the travelling public.

Kerala Gazette No. 21 dated 24th May 1983.
**PART I** **Section iv**

# GOVERNMENT OF KERALA

## Labour (E) Department

## NOTIFICATION

**G. O.** Rt. No. 384/83/LBR. *Dated, Trivandrum, 5th April* 1983.

**S.R.O. No. 621/83.**—Whereas the Government of Kerala are satisfied that public interest so requires that the opening time of Asha Theatres, Kottayam should be fixed as 12 noon, for the purpose of conducting noon shows;

Now, therefore, in exercise of the powers conferred by subsection (2) of section 10 of the Kerala Shops and Commercial Establishments Act, 1960 (34 of 1960), the Government of Kerala hereby order that for a period of three months from the date of this notification the said theatres shall not be opened earlier than 9 a. m. on Saturdays, Sundays and Public Holidays which fall on other days of the week, and 12 noon on all other days, or closed on any day later than 2 a. m.

By order of the Governor,

V. Krishnamurthy,

*Secretary to Government.*

### Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

The provisions of the Kerala Shops & Commercial Establishments Act, 1960 (34 of 1960) are applicable to the Cinema Theatres in this State. The Manager, Asha Theatre, Kottayam has requested Government to issue orders permitting them to conduct noon shows from 12 noon in the theatre. Government consider that the request may be allowed for a period of three months. This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

**Labour (E) Department**

NOTIFICATION

No. G.O. Rt. 385/83/LBR. *Dated, Trivandrum, 5th April* 1983.

**S. R. O. No. 622/83.**—Whereas the Government of Kerala are satisfied that public interest so requires that the opening time of Anand Theatres, Kottayam should be fixed as 12 noon, for the purpose of conducting noon shows;

Now, therefore, in exercise of the powers conferred by subsection (2) of section 10 of the Kerala shops and Commercial Establishments Act. 1960 (34 of 1960), the Government of Kerala hereby order that for a period of three months from the date of this notification the said theatres shall not be opened earlier than 9 a. m. on Saturdays, Sundays and Public Holidays which fall on other days of the week, and 12 noon on all other days, or closed on any day later than 2 a. m.

By order of the Governor
V. KRISHNAMURTHY,
*Secretary to Government.*

**Explanatory Note**

(This does not form part of the Notification, but is intended to indicate its general purport).

The provisions of the Kerala Shops & Commercial Establishments Act, 1960 (34 of 1960) are applicable to the Cinema Theatres in this State. The Manager, Anand Theatres, Kottayam has requested Government to issue orders permitting them to conduct noon shows from 12 noon in the theatre. Government consider that the request may be allowed for a period of three months. This notification is intended to achieve the above object.

## GOVERNMENT OF KERALA

### Transport, Fisheries and Ports (Transport C) Department

### NOTIFICATION

No. 28987/TC2/82/TF&P. *Dated, Trivandrum, 23rd February* 1983.

**S R.O. No.** 623/83.—Whereas representation has been received by Government from the Stage Carriage Operator Shri M.S. Raveendranathan Pillai, Kizhakkemankoil House, Manjummal P. O., Ernakulam that the arrears of vehicle tax for the quarter ended on the 31st March, 1981, 30th June, 1981, 30th September, 1981, 31st December 1981, 31st March, 1982 30th June, 1982, 30th September, 1982 and 31st December, 1982 in respect of the Stage Carriage bearing Registration Number KLF. 3517 could not be remitted within the prescribed period due to financial strain and that permission may be granted to remit the arrears of Vehicle tax in respect of this vehicle in 30 monthly instalments;

And whereas, the Government are convinced that circumstances existed that the operator of the said Stage Carriage could not remit the arrears of vehicle tax in respect of the said Stage Carriage ordinarily, kept for use in the State for the quarter ended on the 31st March, 1981, 30th June, 1981, 30th September, 1981, 31st December, 1981, 31st March, 1982, 30th June, 1982, 30th September. 1982 and 31st December, 1982 due to financial strain;

And whereas, the Government are convinced that non-operation of the said stage carriage due to non-payment of tax would cause great inconvenience to the travelling public;

And whereas, the Government consider it necessary in public interest to require the stage carriage operator to remit Rs. 5,000 (Rupees Five thousand only) on or before 20th November, 1982 out of the total amount of the arrears of vehicle tax for the quarter ended on the 31st March, 1981, 30th June, 1981, 30th September, 1981, 31st December, 1981, 31st March, 1982, 30th June, 1982, 30th September, 1982 and 31st December, 1982 in respect of the said stage carriage and the balance amount in ten equal monthly instalments;

Now, therefore, in exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), read with rule 5 of the Kerala Motor Vehicles Taxation Rules, 1975, the Government of Kerala hereby order that out of the arrears of vehicle tax for the quarter ended on the 31st March, 1981, 30th June, 1981, 30th September, 1981, 31st December, 1981, 31st March, 1982, 30th June, 1982, 30th September 1982 and 31st December, 1982 in respect of the said stage carriage ordinarily kept for use in the State Rs. 5,000 (Rupees five thousand) shall be paid on or before

20th November, 1982 and the balance in ten equal monthly instalments commencing from 20th December 1932 together with additional tax payable under section 12 of the Kerala Motor Vehicles Taxation Act, 1976 read with the notification (5) No. 33942/TC2/75-5/PW. dated the 29th September, 1975 published as S.R.O. No. 876/75 in the Kerala Gazette Extraordinary No. 572 dated the 29th September, 1975.

By order of the Governor,

K. KARUNAKARAN,

*Additional Secretary to Government.*

**Explanatory Note**

(This is not part of the notification, but is intended to indicate the main purpose of the issue of the notification).

Government have received representation from the Stage Carriage Operator as shown in the notification requesting instalment facility for payment of vehicle tax for the quarter ended 31st March, 1981, 30th June, 1981, 30th September, 1981, 31st December, 1981, 31st March, 1982, 30th June, 1982, 30th September, 1982, 31st December, 1982 due to financial strain ;

Government are convinced of the position and in public interest grant instalment facility for payment of tax as otherwise the vehicle might be put out of operation for non-payment of tax causing great inconvenience to the travelling public.

Reg. No. KL/TV(N)/I:



# KERALA GAZETTE

## EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVIII] Trivandrum, Tuesday, 24th May 1983 / 3rd Jyaistha 1905 [No. 545

GOVERNMENT OF KERALA

**Local Administration and Social Welfare (D) Department**

NOTIFICATION

G.O. Rt. No. 1819/83/LA & SWD. *Dated, Trivandrum, 20th May, 1983.*

**S.R.O. No. 631/83.**—Under section 36 of the Kerala Municipalities Act, 1960 (14 of 1961), read with rule 8 of the Kerala Municipalities (Election of Chairman and Vice-Chairman) Rules, 1961, it is hereby notified that Shri A. Pushpasaran, Councillor, Vaikom Municipal Council, Vaikom, has been elected as Vice-Chairman of the said Municipal Council, at its special meeting held on the 9th February, 1983.

By order of the Governor,

MARC C. JOHN,
*Deputy Secretary.*

33/1920/MC.

## Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport).

The Municipal Council, Vaikom has elected Shri A. Pushpasaran as its Vice-Chairman. Under section 36 of the Kerala Municipalities Act, 1960, read with rule 8 of the Kerala Municipalities (Election of Chairman and Vice-Chairman) Rules, 1961, the election of Chairman and Vice-Chairman has to be notified in the Gazette. The notification is intended to achieve the above object.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1983.

Reg. No. KL/TV(N)/1:



# KERALA GAZETTE

## ·XTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVIII] Trivandrum, Tuesday, 24th May 1983 / 3rd Jyaistha 1905 [No. 543

GOVERNMENT OF KERALA

**Labour (B) Department**

NOTIFICATION

No. G.O. (Rt.) 555/83/LBR. *Dated, Trivandrum, 24th May,* 1983.

**S. R. O. No. 629/83.**—In exercise of the powers conferred by sub-section (2) of section 8 of the Factories Act, 1948 (Central Act 63 of 1948), and sub-section (4) of section 5 of the Indian Boilers Act, 1923 (Central Act 5 of 1923), and in supersession of the Notification G.O. (Rt.) No. 231/81/LBR dated the 17th February, 1981 published as S.R.O. No. 263/81 in the Kerala Gazette Extraordinary No. 149 dated the 26th February, 1981, the Government of Kerala hereby appoint Shri Jacob Chacko, Director of Factories and Boilers, Kerala to be the Chief Inspector for all purposes of the said Acts and the Rules issued thereunder.

By order of the Governor,

V. KRISHNAMURTHY,
*Special Secretary to Government.*

33/1918/MC.

**Explanatory Note**

(This does not form part of the notification, but is intended to give its general purport).

As per G.O. (Ms-) No. 28/83/LBR dated 9-5-1983 Government have promoted and appointed Shri Jacob Chacko, Joint Director of Factories and Boilers, Trivandrum as Director of Factories and Boilers consequent on Shri S. Krishnan Nair retired on superannuation. He has taken charge as Director of Factories and Boilers, Kerala on 10-5-1983 F.N. The above notification is to enable him to discharge his statutory duties under section 8 (2) of the Factories Act, 1948 and section 5 (4) of the Indian Boilers Act, 1923.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1983.

Reg. No. KL/TV(N)




# KERALA GAZETTE

## EXTRAORDINARY

## PUBLISHED BY AUTHORITY

Vol. XXVIII] Trivandrum, Tuesday, 24th May 1983 / 3rd Jyaistha 1905 [No. 544

GOVERNMENT OF KERALA

**Labour (B) Department**

NOTIFICATION

No. G.O. (Rt) 556/83/LBR. *Dated, Trivandrum, 24th May,* 1983

**S. R. O. No. 630/83.**—In exercise of the powers conferred by sub-section (1) of section 3 of the Unregistered Cashewnut Factories Prohibition Act, 1967 (11 of 1967), the Government of Kerala hereby appoint the Inspector of Factories and Boilers attached to the Office of the Special Officer for Cashew Industry, Quilon, to be Inspector for the purposes of the said Act with jurisdiction over the whole of the State of Kerala.

By order of the Governor,

V. KRISHNAMURTHY,

*Special Secretary to Government.*

**Explanatory Note**

(This does not form part of the notification but is intended to indicate its general purport).

As per Notification No. 29475/B2/81-2/LBR dated 16-12-1981 Shri Jose Cyriac, K., Special Officer for Cashew Industry, Quilon and Shri Vinayababu, Inspector of Factories and Boilers, Office of the Special Officer for Cashew Industry, Quilon were appointed as Inspectors under the said Act. Shri Vinayababu has now been transferred. It is felt necessary to appoint the Inspector of Factories and Boilers, Office of the Special Officer for Cashew Industry, Quilon as Inspector for the purposes of the said Act with jurisdiction over the whole State of Kerala. The notification is intended to achieve this object.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1983.